

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NUMBER 1:17-CV-00184-CCE-LPA

BARRY HONIG, an individual,

Plaintiff,

v.

ROBERT LADD, an individual; **MGT CAPITAL INVESTMENTS, INC.**, a Delaware corporation; **TERI BUHL**, an individual; and **DOES 1-20**,

Defendants.

JOINT RULE 26(f) REPORT

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 16.1(b), a meeting was held via teleconference, and was attended by Ryan J. Stonerock, Esq. and David E. Fox, Esq., counsel for Plaintiff Barry Honig (“Honig”); John P. Coffey, Esq., Darren A. LaVerne, Esq. and Jonathan C. Krisko, Esq., counsel for Defendants Robert Ladd (“Ladd”) and MGT Capital Investments, Inc. (“MGT”); and Erica A. Wolff, Esq. and Eric M. David, Esq., counsel for Defendant Teri Buhl (“Buhl”) (collectively, “Defendants”).

2. Discovery Plan. The parties propose to the Court the following discovery plan:

(a) Discovery will be needed on the following subjects:

(i) Honig’s claims, including damages;

- (ii) Ladd and MGT's defenses; and
- (iii) Buhl's defenses.
- (b) Discovery shall be placed on a case-management track established in LR 26.1. The parties agree that the appropriate plan for this case (with the stipulated modifications by the parties set out below) is that designated in LR 26.1(a) as: Complex.
- (c) The date for the completion of all discovery (general and expert) is six (6) months from the discovery commencement date of October 23, 2017.
- (d) Stipulated modifications to the case management track include:
 - (i) Ladd and MGT will together be permitted to take up to five (5) depositions and Buhl will also be permitted to take up to five (5) depositions. Notwithstanding the foregoing, should the Court dismiss Buhl from the case, MGT and Ladd shall be permitted to take up to a total of seven (7) depositions, in accordance with LR 26.1(a)(2).
- (e) Unless otherwise ordered by the Court, discovery and other case management deadlines shall proceed on the following schedule:¹

October 19, 2017	Exchange Initial Disclosures
	Final Day to Amend Pleadings or Join Parties
October 23, 2017	Discovery Commences

¹ In light of Buhl's pending Motion for Reconsideration, or in the alternative, certification on the question of whether the Court has personal jurisdiction over Buhl [Dkt. 53] (the "Motion for Reconsideration / Certification"), Buhl's position is that she should not be required to engage in discovery unless and until the Court confirms it has personal jurisdiction over her. However, in order to avoid burdening the Court with a conflict, Buhl has agreed to exchange initial disclosures and engage in written discovery according to the schedule set forth herein. All parties hereby agree and stipulate that such engagement will not be deemed a waiver of Buhl's defense of lack of personal jurisdiction. All parties further agree and stipulate that Buhl shall not be compelled to sit for a deposition until such time as the Court either denies the pending Motion for Reconsideration / Certification or otherwise confirms its decision to exercise personal jurisdiction over Buhl.

November 13, 2017	Parties to Respond to Discovery Requests
November 29, 2017	Parties to Exchange Written Meet and Confer Letters Regarding Objections to Discovery Requests Plaintiff to Give Notice of Expert Topics
December 4, 2017	Parties to Meet and Confer on Objections to Discovery Requests
December 6, 2017	Defendants to Give Notice of Expert Topics
January 19, 2017	Completion of All Paper Discovery
January 22, 2018 – March 15, 2018	Fact Witness Depositions
March 16, 2018	Plaintiff to Submit Expert Report(s)
March 30, 2018	Defendants to Submit Expert Report(s)
April 2, 2018 – April 23, 2018	Expert Depositions
April 23, 2018	End of Discovery

(f) Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period, according to the schedule set forth above.

(g) Supplementation will be as provided in Rule 26(e) or as otherwise ordered by the Court.

3. Mediation. Mediation should be conducted late in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be Ray Owens.

4. Preliminary Deposition Schedule. Depositions will take place within the discovery period, according to the schedule set forth above. Each party may depose any

expert identified pursuant to Fed. R. Civ. P. 26(a)(2) by any other party. Each deposition is limited to one day of seven hours unless extended by agreement of the parties or ordered by the Court.

5. Other items.

- (a) The parties agree that they shall be allowed until October 19, 2017 to request leave to join additional parties or amend pleadings. After this date, the Court will consider, *inter alia*, whether the granting of leave would delay trial. The parties' agreement is without prejudice to motions to amend pleadings pursuant to Fed. R. Civ. P. 15.
- (b) The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master, and the parties do not consent to refer to a Magistrate Judge or appointment of a master.
- (c) The parties anticipate that a protective order will be needed to protect the confidentiality of information produced in discovery. The parties will submit a proposed protective order for the Court's consideration.
- (d) Defendants' agreement to this discovery plan is without prejudice to their right to move the Court to transfer venue pursuant to 28 U.S.C. § 1404, should they choose to do so.
- (e) The parties have demanded a jury trial. Trial is expected to take approximately five (5) to seven (7) days.

This 16th day of October, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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This 16th day of October, 2017.

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